

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

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|---------------------------------------|---|-----------------------------------|
| MICHAEL P. AND SHELLIE GILMOR, |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | Case No. 4:10-CV-00189-ODS |
| |) | |
| PREFERRED CREDIT CORPORATION, |) | |
| et al., |) | |
| |) | |
| Defendants. |) | |

JOINT STATUS REPORT

Pursuant to the Court's Order (Doc. 751), the undersigned parties jointly report as follows:

1. Doc 686 was a jointly filed motion. At the time Doc. 711 was filed, Plaintiffs had only settled with one of the movants of Doc. 686, viz., Defendant Wells Fargo Bank, N.A. The claims against (and motion by) the second movant of Doc. 686, LaSalle National Bank, remained pending. Plaintiffs and LaSalle National Bank have also recently reached a settlement. (Doc. 750)

2. The following settlements have been reached with the following Defendants to date: (a) U.S. Bank National Association in its individual and trustee capacities, U.S. Bank National Association ND, Empire Funding Home Loan Owner Trust 1998-1, Empire Funding Grantor Trust 1998-1, Empire Funding Home Loan Owner Trust 1999-1 and Empire Funding Grantor Trust 1999-1, and Wilmington Trust Company in its individual and trustee capacities

with respect to the Empire Trusts (Doc. 324)¹; (b) Residential Funding Company, LLC and JPMorgan Chase Bank, N.A., in its capacity as former trustee (Doc. 351); (c) Sovereign Bank (Doc. 435); (d) JPMorgan Chase Bank, N.A. as successor by merger to Chase Home Finance, LLC (Doc. 531); (e) EMC Mortgage, LLC (Doc. 548); (f) Advanta Mortgage Corporation of USA (Doc. 569); (g) Defendants Credit Suisse First Boston Mortgage Securities Corporation, Deutsche Bank Trust Company Americas f/k/a Bankers Trust Company, individually and as trustee of the Preferred Mortgage Trust 1996-1, Preferred Mortgage Trust 1996-2, and Preferred Credit Trust 1997-1, Preferred Mortgage Trust 1996-1, Preferred Mortgage Trust 1996-2, and Preferred Credit Trust 1997-1 (Docs. 591, 592, 616); (h) Countrywide Home Loans, Inc. and BAC Home Loans Servicing, L.P. (Docs. 612, 754); (i) Impac Mortgage Holdings, Inc., Impac Funding Corporation, Impac Secured Assets Corporation, IMH Assets Corporation and Wingspan Portfolio Advisors, LLC (Doc. 710); (j) Wells Fargo Bank, N.A. (Doc. 711); (k) Deutsche Bank National Trust Company f/k/a Bankers Trust Company of California, N.A., individually and in its capacities as indenture trustee of Impac Secured Assets CMN Trust Series 1998-1, Impac CMB Trust Series 1999-2, Impac CMB Trust Series 2000-2, Impac CMB Trust Series 2001-4, Impac CMB Trust Series 2002-1, and Impac CMB Trust Series 2003-5, and Impac Real Estate Asset Trust Series 2006-SD1 (Doc. 719)²; (l) Bank of America, N.A., as successor by merger to LaSalle National Bank in its capacity as former trustee for Impac CMB Trust Series 1999-1 (Doc. 750); and (m) JPMorgan Chase Bank, National Association as Former Trustee and Litton Loan Servicing, L.P. (Doc. 752).

¹ This settlement also effectively settles all claims against defendant Real Time Resolutions, Inc. and Ocwen Loan Servicing, L.P. pursuant to the settlement with the U.S. Bank Defendants and Wilmington Trust Company (Doc. 324).

² This settlement also includes a release of the following trust defendants: Impac Secured Assets CMN Trust Series 1998-1, Impac CMB Trust Series 1999-2, Impac CMB Trust Series 2000-2, Impac CMB Trust Series 2001-4, Impac CMB Trust Series 2002-1, and Impac CMB Trust Series 2003-5, and Impac Real Estate Asset Trust Series 2006-SD1.

3. Consequently, the only summary judgment motions currently before the Court are these:

a. Doc. 666, 667 (Defendant Wendover Financial Services' *Motion for Summary Judgment*).

b. Doc. 679, 680 (Defendant Wilmington Trust Company's *Motion for Summary Judgment*); and

c. Doc. 703, 704 (*Plaintiffs' Motion for Partial Summary Judgment*, but now limited via the prior settlements to the claims against Defendants Wilmington Trust Company and Wendover Financial Services).

4. In addition, the following Defendants' motions to exclude expert testimony under *Daubert* remain pending:

a. Wilmington Trust Company (Docs. 681 and 755, and incorporating Docs. 668, 669 and 702); and

b. Wendover Financial Services (Doc. 695).

5. Plaintiffs' claims against Wilmington Trust Company and Wendover Financial Services remain pending. In addition, Plaintiffs' claims against Defendants Preferred Credit Corporation and United Mortgage C.B., LLC, remain pending. Plaintiffs' intend to seek a judgment by default against Preferred Credit Corporation and will proceed against United Mortgage C.B., LLC.

Date: October 15, 2012

Respectfully submitted,

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